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17   **UNITED STATES DISTRICT COURT**

18   **NORTHERN DISTRICT OF CALIFORNIA**

19 CISCO SYSTEMS, INC.,   )   CASE NO. 5:14-cv-05344-BLF
)
20   Plaintiff,   )
)
21   v.   )   **PLAINTIFF CISCO SYSTEMS, INC.'S**
)   **OBJECTIONS AND RESPONSES TO**
22 ARISTA NETWORKS, INC.,   )   **DEFENDANT ARISTA NETWORKS,**
)   **INC.'S SECOND SET OF**
23   Defendant.   )   **INTERROGATORIES**
)
24 _____   )

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1   Pursuant to Rules 26 and 33 of the Federal Rules of Civil Procedure, Plaintiff Cisco

2 Systems, Inc. ("Cisco"), by counsel, hereby provides its objections and responses to Defendant

3 Arista Networks, Inc.'s ("Arista's") Second Set of Interrogatories, which were served on Cisco on

4 July 24, 2015 (the "Interrogatories").

5   **GENERAL OBJECTIONS**

6   Cisco makes the following general objections to Arista's Interrogatories, which apply to

7 each interrogatory regardless of whether the general objections are specifically incorporated into

8 the specific objections and responses below.

9   1.   Cisco is responding to each interrogatory as it interprets and understands each

10 interrogatory with respect to the issues in this Litigation. If Arista asserts a different interpretation

11 of any interrogatory, Cisco reserves the right to supplement or amend its responses or objections.

12   2.   Cisco objects to each interrogatory to the extent it is inconsistent with or seeks to

13 impose obligations beyond those imposed by the Federal Rules of Civil Procedure, the Civil and

14 Patent Local Rules of the Northern District of California, and any orders governing this Litigation.

15   3.   Cisco objects to the definitions of "Cisco," "You," and "Your," to the extent that

16 the definitions are overly broad and purport to require Cisco to provide information that is not

17 within the possession, custody, or control of Cisco.

18   4.   Cisco objects to Arista's definition of "Asserted Patents" and "Asserted Claim" to

19 the extent that Arista's use of those terms in its interrogatories to Cisco renders certain of Arista's

20 Interrogatories as constituting multiple discrete subparts that are in fact multiple, separate

21 interrogatories.

22   5.   Cisco objects to the definitions of "CLI Command" and "Network Management

23 Product" to the extent that these terms are vague and ambiguous with respect to their scope and

24 application as used by Arista, rendering these terms at least potentially unclear with respect to

25 what particular devices are intended to be incorporated thereby, and further on the grounds that

26 use of the terms in Arista's Interrogatories renders those interrogatories overbroad and unduly

27 burdensome to the extent that the discovery sought by such interrogatories is not reasonably tied to

28 Cisco's claims or Arista's defenses in this Litigation. Cisco further objects to the use of these

1 terms in Arista's Interrogatories to the extent that such interrogatories are not reasonably

2 calculated to lead to the discovery of admissible evidence.

3   6.   Cisco objects to the definition of "Relating to" as vague and ambiguous and overly

4 broad, unduly burdensome, and further to the extent that interrogatories using such terms are not

5 reasonably calculated to lead to the discovery of admissible evidence.

6   7.   Cisco objects to the definition of "Identify" and the instructions set out in

7 Paragraphs 10–12 as overly broad, unduly burdensome, and further to the extent that

8 interrogatories using such terms are not reasonably calculated to lead to the discovery of

9 admissible evidence. Cisco further objects to these definitions and instructions to the extent that

10 the burden of deriving or ascertaining the requested information is substantially the same for

11 Arista as it is for Cisco.

12   8.   Cisco objects to each and every interrogatory as overly broad, unduly burdensome,

13 cumulative, and duplicative to the extent it seeks identification of "any," "each," or "all"

14 documents of a specified type or nature, when a subset of such documents will provide the

15 requested information. Cisco objects generally to each and every interrogatory as overly broad,

16 vague and ambiguous, and not reasonably calculated to lead to the discovery of admissible

17 evidence, to the extent that it seeks information regarding "any," "each," or "all" persons, entities,

18 objects, or events.

19   9.   Cisco objects to the "Definitions" and "Instructions" of the Interrogatories to the

20 extent they alter the plain meaning of any specific interrogatory and render the interrogatory

21 vague, ambiguous, and overbroad.

22   10.   Cisco objects to each interrogatory to the extent that it is unlimited in temporal

23 and/or geographic scope, or to the extent it would require Cisco to provide information or

24 documents in violation of an applicable foreign law or regulation.

25   11.   Cisco objects to each interrogatory to the extent that it is overbroad, unduly

26 burdensome, and/or calls for provision of information or documents that are neither relevant to

27 any claim or defense in this litigation nor reasonably likely to lead to the discovery of admissible

28 evidence.

1   12.   Cisco objects to each interrogatory to the extent that it calls for production of

2 information or documents that are not within the possession, custody, or control of Cisco, or to the

3 extent the interrogatory seeks information that may not be disclosed pursuant to a protective order

4 or non-disclosure agreement, or calls for Cisco to prepare documents and/or things that do not

5 already exist.

6   13.   Cisco objects to each interrogatory to the extent that it calls for production of

7 information or documents that are publicly available or equally available to Arista, and therefore

8 are of no greater burden for Arista to obtain than for Cisco to obtain.

9   14.   Cisco objects to each interrogatory as overbroad and unduly burdensome to the

10 extent that it is not limited to a time frame relevant to this Litigation or seeks information or

11 documents not within the applicable scope of this Litigation.

12   15.   Cisco objects to each interrogatory to the extent it seeks information or documents

13 that Cisco is not permitted to disclose pursuant to confidentiality obligations to third parties or

14 court order. Cisco will provide such responsive, relevant, and non-privileged information and/or

15 produce documents in accordance with the Protective Order governing this Litigation and after

16 complying with its obligations to the third party and/or court.

17   16.   Cisco objects to each interrogatory to the extent it seeks information, documents,

18 and/or things protected from disclosure by the attorney-client privilege, work-product doctrine,

19 common-interest privilege, and/or any other applicable privilege, immunity, doctrine, or

20 protection, including without limitation in connection with the common interest doctrine

21 (collectively, as used herein, "privileged"). Nothing contained in these objections and responses

22 should be considered a waiver of any attorney-client privilege, work-product protection, or any

23 other applicable privilege or doctrine, including in connection with the common interest doctrine.

24 Cisco does not intend to provide information or produce documents that would divulge any

25 privileged information. Any such disclosure is inadvertent and shall not be deemed a waiver of

26 any applicable privilege or immunity.

27   17.   Cisco objects to Arista's Interrogatories to the extent that their subparts exceed the

28 number of interrogatories permitted under the Federal Rules of Civil Procedure, including Rule

1 33(a)(1), the Civil and Patent Local Rules of the Northern District of California, and any orders

2 governing this Litigation.

3   18.   Cisco objects to each interrogatory to the extent that it is vague, ambiguous, or

4 confusing due to Arista's failure to define terms or failure to describe the information or

5 documents sought with reasonable particularity.

6   19.   Cisco objects to the factual characterizations of Arista's Interrogatories. By

7 responding, Cisco does not accept or admit any of Arista's factual characterizations.

8   20.   Terms or phrases with specific legal significance appear in many of Arista's

9 Interrogatories. Neither Cisco's objections and responses, nor the provision of information or

10 production of documents in response to any interrogatory, are an admission or indication that such

11 information and documents are relevant to any legal theory, or that any of the legal terms used

12 have any applicability in their legal sense to any information or documents produced by Cisco in

13 response to the Interrogatories.

14   21.   Cisco objects to these Interrogatories on relevance and burden grounds to the extent

15 they are not limited in temporal scope, or to the extent that time period specified encompasses

16 time periods not relevant to this Litigation, or to the extent the requests are not limited in

17 geographic scope.

18   22.   Cisco objects to the Interrogatories as overly broad and unduly burdensome to the

19 extent they call for the provision of information or production of documents of technical

20 information, or otherwise, including source code, in connection with Cisco's products, where such

21 information or documents are either duplicative of other documents or information that will be

22 produced and/or are not relevant to this Litigation and Cisco's products relevant to this Litigation.

23 Cisco further objects to the Interrogatories to the extent that they call for the provision of

24 information or production of documents of technical information, or otherwise, including source

25 code, in connection with Cisco's products, where such information and documents are not

26 necessary to understand the relevant structure, function, and operation of Cisco's products relevant

27 to this Litigation.

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1   23. Cisco objects to each interrogatory as premature to the extent it calls for documents

2 or information that is the subject of later disclosure deadlines in this Litigation and/or expert

3 reports and testimony, including as set forth in Rule 26(a)(2) of the Federal Rules of Civil

4 Procedure, the Patent Local Rules of the Northern District of California, and the Case

5 Management Order entered in this Litigation.

6   24. Any Cisco response that it will provide information or produce documents should

7 not be construed to mean that responsive information or documents in fact exist; only that, if such

8 relevant, non-privileged, non-objectionable information or documents exist, are in Cisco's

9 possession, custody, or control, and are located after a reasonable search of the location or

10 locations where responsive information or documents are likely to be located, such information or

11 documents will be produced in a timely manner.

12   25. Cisco further reserves all rights to supplement its responses to Arista's

13 Interrogatories in compliance with the Federal Rules of Civil Procedure, including under Rule

14 26(e), as well as the Civil and Patent Local Rules of the Northern District of California and any

15 orders governing this Litigation, and as Cisco's investigation and discovery proceeds in this

16 Litigation.

17   **RESPONSES TO INTERROGATORIES**

18

19 **INTERROGATORY NO. 16:**

20   For each CLI Command listed in Cisco's Second Amended Complaint (including exhibits)

21 and each command hierarchy listed in Cisco's Second Amended Complaint (including exhibits),

22 and each command mode and prompt listed in Cisco's Second Amended Complaint (including

23 exhibits), identify: (i) the author or originator of such Command, command hierarchy, command

24 mode and prompt, (ii) the date of such authorship or creation, (iii) the document(s) in which such

25 Command, command hierarchy, command mode or prompt was first fixed in any tangible medium

26 of expression, (iv) the document(s) in which such Command, command hierarchy, command

27 mode or prompt was first published, and (v) the first Cisco product (including version number)

28 that used or responded to each CLI Command, command hierarchy, command mode or prompt.

1 **<u>RESPONSE TO INTERROGATORY NO. 16:</u>**

2   Cisco incorporates by reference its General Objections as though fully set forth herein.

3 Cisco further objects to this interrogatory as compound and unduly burdensome, as it calls for

4 thousands of pieces of information. Cisco further objects to this interrogatory as irrelevant and not

5 calculated to lead to the discovery of admissible evidence to the extent it seeks information not

6 relevant to the copyrightability of Cisco's works-in-suit and seeks information regarding acts not

7 at issue in this suit. Cisco further objects to this interrogatory to the extent that it calls for

8 information that is publicly available or equally available to Arista, and therefore is of no greater

9 burden for Arista to obtain than for Cisco to obtain. Cisco also objects to this interrogatory as

10 undefined, vague, ambiguous, overbroad, and unduly burdensome in its use of the terms "each

11 CLI command," "each command hierarchy," "each command mode and prompt," and "identify."

12 Cisco further objects to this interrogatory to the extent it calls for a legal conclusion. Cisco also

13 objects to this interrogatory to the extent that it is cumulative and duplicative of other discovery

14 sought by Arista, including at least Interrogatory No. 5. Cisco further objects to this interrogatory

15 to the extent it seeks information that is protected by the attorney-client privilege, that constitutes

16 attorney work-product, or that is protected by any other applicable privilege, protection, or

17 immunity, including without limitation in connection with the common interest doctrine.

18   Subject to and without waiver of the foregoing general and specific objections, Cisco

19 responds as follows:

20   Cisco incorporates by reference its response to Arista's Interrogatory No. 5 as if fully set

21 forth herein. Because the burden of identifying the information sought by this interrogatory is the

22 same for Arista as it is for Cisco, pursuant to Fed. R. Civ. P. 33(d), Cisco identifies the following

23 documents as containing responsive information:

24   IOS v. 11.0: Source Code, CSI-CLI-00403865, CSI-CLI-00356391 - CSI-CLI-00356394,

25 CSI-CLI-00356395 - CSI-CLI-00356398.

26   IOS v. 11.1: Source Code, CSI-CLI-00403866, CSI-CLI-00356385 - CSI-CLI-00356388,

27 CSI-CLI-00356588 - CSI-CLI-00356591, CSI-CLI-00356500 - CSI-CLI-00356501, CSI-CLI-

28 00356562 - CSI-CLI-00356563.

1   IOS v. 11.2: Source Code, CSI-CLI-00403867, CSI-CLI-00356578 - CSI-CLI-00356581,

2 CSI-CLI-00356496 - CSI-CLI-00356499.

3   IOS v. 11.3: Source Code, CSI-CLI-00403868, CSI-CLI-00356538 - CSI-CLI-00356541,

4 CSI-CLI-00356446 - CSI-CLI-00356549, CSI-CLI-00356582 - CSI-CLI-00356587, CSI-CLI-

5 00356576 - CSI-CLI-00356577.

6   IOS v. 12.0: Source Code, CSI-CLI-00403869, CSI-CLI-00356520 - CSI-CLI-00356523,

7 CSI-CLI-00356516 - CSI-CLI-00356519, CSI-CLI-00356550 - CSI-CLI-00356555, CSI-CLI-

8 00356484 - CSI-CLI-00356485.

9   IOS v. 12.1: Source Code, CSI-CLI-00403870, CSI-CLI-00356512 - CSI-CLI-00356515,

10 CSI-CLI-00356572 - CSI-CLI-00356575, CSI-CLI-00356490 - CSI-CLI-00356495, CSI-CLI-

11 00356506 - CSI-CLI-00356507.

12   IOS v. 12.2: Source Code, CSI-CLI-00403871, CSI-CLI-00356508 - CSI-CLI-00356511,

13 CSI-CLI-00356506 - CSI-CLI-00356508, CSI-CLI-00356556 - CSI-CLI-00356561, CSI-CLI-

14 00356536 - CSI-CLI-00356537.

15   IOS v. 12.3: Source Code, CSI-CLI-00403872, CSI-CLI-00403874, CSI-CLI-00356524 -

16 CSI-CLI-00356527, CSI-CLI-00356542 - CSI-CLI-00356545.

17   IOS v. 12.4: Source Code, CSI-CLI-00403873, CSI-CLI-00356486 - CSI-CLI-00356489,

18 CSI-CLI-00356705 - CSI-CLI-00356705.

19   IOS v. 15.0: Source Code, CSI-CLI-00054598 – CSI-CLI-00074027, CSI-CLI-00216957 –

20 CSI-CLI-00217612, CSI-CLI-00223197 – CSI-CLI-00224078, CSI-CLI-00226300 – CSI-CLI-

21 00226709, CSI-CLI-00267773 – CSI-CLI-00268938, CSI-CLI-00271385 – CSI-CLI-00271914,

22 CSI-CLI-00274107 – CSI-CLI-00274387, CSI-CLI-00275376 – CSI-CLI-00276837, CSI-CLI-

23 00314732 – CSI-CLI-00314943, CSI-CLI-00316210 – CSI-CLI-00317412, CSI-CLI-00317634 –

24 CSI-CLI-00317847, CSI-CLI-00318351 – CSI-CLI-00318532, CSI-CLI-00319252 – CSI-CLI-

25 00321189, CSI-CLI-00324036 – CSI-CLI-00324389, CSI-CLI-00325497 – CSI-CLI-00325713,

26 CSI-CLI-00332893 – CSI-CLI-00345450, CSI-CLI-00348572 – CSI-CLI-00348689, CSI-CLI-

27 00350066 – CSI-CLI-00351948, CSI-CLI-00356480 - CSI-CLI-00356483, CSI-CLI-00356564 -

28 CSI-CLI-00356567.

1   IOS v. 15.1: Source Code, CSI-CLI-00034689 – CSI-CLI-00054565, CSI-CLI-00223197 –

2 CSI-CLI-00224078, CSI-CLI-00226300 – CSI-CLI-00226414, CSI-CLI-00226710 – CSI-CLI-

3 00227953, CSI-CLI-00267773 – CSI-CLI-00268938, CSI-CLI-00314422 – CSI-CLI-00314731,

4 CSI-CLI-00314944 – CSI-CLI-00316209, CSI-CLI-00317413 – CSI-CLI-00317633, CSI-CLI-

5 00317848 – CSI-CLI-00318350, CSI-CLI-00318533 – CSI-CLI-00319251, CSI-CLI-00319765 –

6 CSI-CLI-00325376, CSI-CLI-00325497 – CSI-CLI-00325713, CSI-CLI-00333135 – CSI-CLI-

7 00333809, CSI-CLI-00337967 – CSI-CLI-00338200, CSI-CLI-00338481 – CSI-CLI-00338696,

8 CSI-CLI-00338941 – CSI-CLI-00339290, CSI-CLI-00345451 – CSI-CLI-00354832, CSI-CLI-

9 00356502 - CSI-CLI-00356505, CSI-CLI-00356532 - CSI-CLI-00356535.

10   IOS v. 15.2: Source Code, CSI-CLI-00024968 – CSI-CLI-00034688, CSI-CLI-00074028 –

11 CSI-CLI-00074113, CSI-CLI-00091773 – CSI-CLI-00091888, CSI-CLI-00098678 – CSI-CLI-

12 00099910, CSI-CLI-00101493 – CSI-CLI-00101653, CSI-CLI-00102320 – CSI-CLI-00102428,

13 CSI-CLI-00102615 – CSI-CLI-00102827, CSI-CLI-00104206 – CSI-CLI-00104306, CSI-CLI-

14 00105599 – CSI-CLI-00105706, CSI-CLI-00106165 – CSI-CLI-00106403, CSI-CLI-00107100 –

15 CSI-CLI-00107198, CSI-CLI-00108121 – CSI-CLI-00110637, CSI-CLI-00142102 – CSI-CLI-

16 142151, CSI-CLI-00145892 – CSI-CLI-00145912, CSI-CLI-00146305 – CSI-CLI-00146361,

17 CSI-CLI-00146494 – CSI-CLI-00146672, CSI-CLI-00150117 – CSI-CLI-00150301, CSI-CLI-

18 00151700 – CSI-CLI-00151794, CSI-CLI-00153045 – CSI-CLI-00154056, CSI-CLI-00154957 –

19 CSI-CLI-00154967, CSI-CLI-00161254 – CSI-CLI-00161264, CSI-CLI-00162423 – CSI-CLI-

20 00162433, CSI-CLI-00162764 – CSI-CLI-00163054, CSI-CLI-00163297 – CSI-CLI-00163575,

21 CSI-CLI-00163892 – CSI-CLI-00163997, CSI-CLI-00167730 – CSI-CLI-00168576, CSI-CLI-

22 00168785 – CSI-CLI-00170897, CSI-CLI-00171210 – CSI-CLI-00171263, CSI-CLI-00173118 –

23 CSI-CLI-00173146, CSI-CLI-00227954 – CSI-CLI-00228224, CSI-CLI-00236536 – CSI-CLI-

24 00237167, CSI-CLI-00237495 – CSI-CLI-00239781, CSI-CLI-00241096 – CSI-CLI-00248137,

25 CSI-CLI-00276838 – CSI-CLI-00288213, CSI-CLI-00288322 – CSI-CLI-00289855, CSI-CLI-

26 00292982 – CSI-CLI-00294561, CSI-CLI-00356528 - CSI-CLI-00356531, CSI-CLI-00356697 -

27 CSI-CLI-00356700.

28

1   IOS v. 15.4: Source Code, CSI-CLI-00074114 – CSI-CLI-00091772, CSI-CLI-00091889 –

2 CSI-CLI-00098677, CSI-CLI-00217613 – CSI-CLI-00223196 – CSI-CLI-00224078, CSI-CLI-

3 00224079 – CSI-CLI-00226299, CSI-CLI-00276838 – CSI-CLI-00277169, CSI-CLI-00289856 –

4 CSI-CLI-00310345, CSI-CLI-00325714 – CSI-CLI-00332892, CSI-CLI-00356657 - CSI-CLI-

5 00356660, CSI-CLI-00356653 - CSI-CLI-00356656.

6   IOS XR v. 3.0: Source Code, CSI-CLI-00359263 – CSI-CLI-00362850, CSI-CLI-

7 00356665 - CSI-CLI-00356668, CSI-CLI-00356618 - CSI-CLI-00356621.

8   IOS XR v. 3.2: Source Code, CSI-CLI-00362851 – CSI-CLI-00370474, CSI-CLI-

9 00356661 - CSI-CLI-00356664, CSI-CLI-00356701 - CSI-CLI-00356704.

10   IOS XR v. 3.3: Source Code, CSI-CLI-00370475 – CSI-CLI-00380671, CSI-CLI-

11 00356689 - CSI-CLI-00356692, CSI-CLI-00356642 - CSI-CLI-00356645.

12   IOS XR v. 3.4: Source Code, CSI-CLI-00380672 – CSI-CLI-00389727, CSI-CLI-

13 00356634 - CSI-CLI-00356637, CSI-CLI-00356638 - CSI-CLI-00356641.

14   IOS XR v. 3.5: Source Code, CSI-CLI-00389728 – CSI-CLI-00403864, CSI-CLI-

15 00356685 - CSI-CLI-00356688, CSI-CLI-00356614 - CSI-CLI-00356617.

16   IOS XR v. 4.3: Source Code, CSI-CLI-00099911 – CSI-CLI-00101492, CSI-CLI-

17 00101654 – CSI-CLI-00102319, CSI-CLI-00102429 – CSI-CLI-00102614, CSI-CLI-00102828 –

18 CSI-CLI-00104205, CSI-CLI-00104307 – CSI-CLI-00105598, CSI-CLI-00105707 – CSI-CLI-

19 00106164, CSI-CLI-00106404 – CSI-CLI-00107099, CSI-CLI-00107199 – CSI-CLI-00108120,

20 CSI-CLI-00102732 – CSI-CLI-00127155, CSI-CLI-00137956 – CSI-CLI-00142101, CSI-CLI-

21 00142214 - CSI-CLI-00142101 – CSI-CLI-00143091, CSI-CLI-00143160 – CSI-CLI-00145891,

22 CSI-CLI-00145913 – CSI-CLI-00146304, CSI-CLI-00146362 – CSI-CLI-00146493, CSI-CLI-

23 00146673 – CSI-CLI-00150166, CSI-CLI-00150302 – CSI-CLI-00151699, CSI-CLI-00151795 –

24 CSI-CLI-00153044, CSI-CLI-00154057 – CSI-CLI-00154956, CSI-CLI-00154968 – CSI-CLI-

25 00161253, CSI-CLI-00161265 – CSI-CLI-00162422, CSI-CLI-00162434 – CSI-CLI-00162763,

26 CSI-CLI-00163998 – CSI-CLI-00167729, CSI-CLI-00168577 – CSI-CLI-00168784, CSI-CLI-

27 00170898 – CSI-CLI-00171209, CSI-CLI-00171264 – CSI-CLI-00173117, CSI-CLI-00173147 –

28

CISCO'S OBJECTIONS AND RESPONSES TO ARISTA'S SECOND SET OF INTERROGATORIES

1 CSI-CLI-00173412, CSI-CLI-00356681 - CSI-CLI-00356684, CSI-CLI-00356649 - CSI-CLI-

2 00356652.

3   IOS XR v. 5.2: Source Code, CSI-CLI-00110638 – CSI-CLI-00123731, CSI-CLI-

4 00127156 – CSI-CLI-00137955, CSI-CLI-00142152 – CSI-CLI-00142213, CSI-CLI-00143092 –

5 CSI-CLI-00143159, CSI-CLI-00163055 – CSI-CLI-00163296, CSI-CLI-00163576 – CSI-CLI-

6 00163891, CSI-CLI-00189310 – CSI-CLI-00191711, CSI-CLI-00356626 - CSI-CLI-00356629,

7 CSI-CLI-00356602 - CSI-CLI-00356605.

8   IOS XE v. 2.1: Source Code, CSI-CLI-00229755 – CSI-CLI-00236535, CSI-CLI-

9 00268939 – CSI-CLI-00271384, CSI-CLI-00271915 – CSI-CLI-00274106, CSI-CLI-00274388 –

10 CSI-CLI-00276837, CSI-CLI-00313895 – CSI-CLI-00314421, CSI-CLI-00325377 – CSI-CLI-

11 00325496, CSI-CLI-00356693 - CSI-CLI-00356696, CSI-CLI-00356606 - CSI-CLI-00356609.

12   IOS XE v. 3.5: Source Code, CSI-CLI-00180764 – CSI-CLI-00189309, CSI-CLI-

13 00228225 – CSI-CLI-00229754, CSI-CLI-00236536 – CSI-CLI-00236768, CSI-CLI-00237168 –

14 CSI-CLI-00237494, CSI-CLI-00237785 – CSI-CLI-00237793, CSI-CLI-00239782 – CSI-CLI-

15 00241095, CSI-CLI-00248138 – CSI-CLI-00267772, CSI-CLI-00277170 – CSI-CLI-00277359,

16 CSI-CLI-00288214 – CSI-CLI-00288321, CSI-CLI-00288673 – CSI-CLI-00289121, CSI-CLI-

17 00310346 – CSI-CLI-00313894, CSI-CLI-00356610 - CSI-CLI-00356613, CSI-CLI-00356630 -

18 CSI-CLI-00356633.

19   NX-OS v. 4.0: Source Code, CSI-CLI-00054566 – CSI-CLI-00054597, CSI-CLI-

20 00191712 – CSI-CLI-00192226, CSI-CLI-00202929 – CSI-CLI-00207082, CSI-CLI-00356646 -

21 CSI-CLI-00356648, CSI-CLI-00356622 - CSI-CLI-00356625.

22   NX-OS v. 5.0: Source Code, CSI-CLI-00173413 – CSI-CLI-00176459, CSI-CLI-

23 00196923 – CSI-CLI-00197194, CSI-CLI-00197411 – CSI-CLI-00197600, CSI-CLI-00199585 –

24 CSI-CLI-00200362, CSI-CLI-00201361 – CSI-CLI-00201380, CSI-CLI-00201823 – CSI-CLI-

25 00201848, CSI-CLI-00207083 – CSI-CLI-00212262, CSI-CLI-00216926 – CSI-CLI-00216955,

26 CSI-CLI-00356599 - CSI-CLI-00356601, CSI-CLI-00356677 - CSI-CLI-00356680.

27   NX-OS v. 5.2: Source Code, CSI-CLI-00176460 – CSI-CLI-00178217, CSI-CLI-

28 00196489 – CSI-CLI-00196922, CSI-CLI-00197195 – CSI-CLI-00197410, CSI-CLI-00197601 –

1   CSI-CLI-00199584, CSI-CLI-00200363 – CSI-CLI-00201360, CSI-CLI-00201381 – CSI-CLI-

2   00201822, CSI-CLI-00201849 – CSI-CLI-00202928, CSI-CLI-00356596 - CSI-CLI-00356598,

3   CSI-CLI-00356673 - CSI-CLI-00356676.

4   NX-OS v. 6.2: Source Code, CSI-CLI-00178218 – CSI-CLI-00180763, CSI-CLI-

5   00192227 – CSI-CLI-00196488, CSI-CLI-00212263 – CSI-CLI-00216925, CSI-CLI-00356593 -

6   CSI-CLI-00356595, CSI-CLI-00356669 - CSI-CLI-00356672.

7   Cisco's discovery efforts in this case are ongoing, and Cisco reserves the right to further

8   supplement this response in light of facts learned during discovery.

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11   **INTERROGATORY NO. 17:**

12   Identify each and every document in your possession relating to any non-Cisco CLI,

13   including the custodian of each document and how Cisco came to be in possession of each

14   document.

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16   **RESPONSE TO INTERROGATORY NO. 17:**

17   Cisco incorporates by reference its General Objections as though fully set forth herein.

18   Cisco further objects to this interrogatory as irrelevant and not calculated to lead to the discovery

19   of admissible evidence to the extent it (1) calls for evidence pertaining to products of third parties

20   not at issue in this suit, (2) seeks information not relevant to the copyrightability of Cisco's works-

21   in-suit, and (3) seeks information regarding acts not at issue in this suit. Cisco also objects to this

22   interrogatory on the grounds that it is overly broad and unduly burdensome to the extent that it is

23   not limited in time or in any other way. Cisco also objects to this interrogatory as undefined,

24   vague, ambiguous, overbroad, and unduly burdensome in its use of the terms "non-Cisco CLI" and

25   "came to be in possession." Cisco further objects to this interrogatory to the extent that it calls for

26   information that is publicly available or equally available to Arista, and therefore is of no greater

27   burden for Arista to obtain than for Cisco to obtain. Cisco also objects to this interrogatory to the

28   extent that it is cumulative and duplicative of other discovery sought by Arista, including at least

1   Interrogatory Nos. 8 and 10. Cisco further objects to this interrogatory to the extent it seeks

2   information that is protected by the attorney-client privilege, that constitutes attorney work-

3   product, or that is protected by any other applicable privilege, protection, or immunity, including

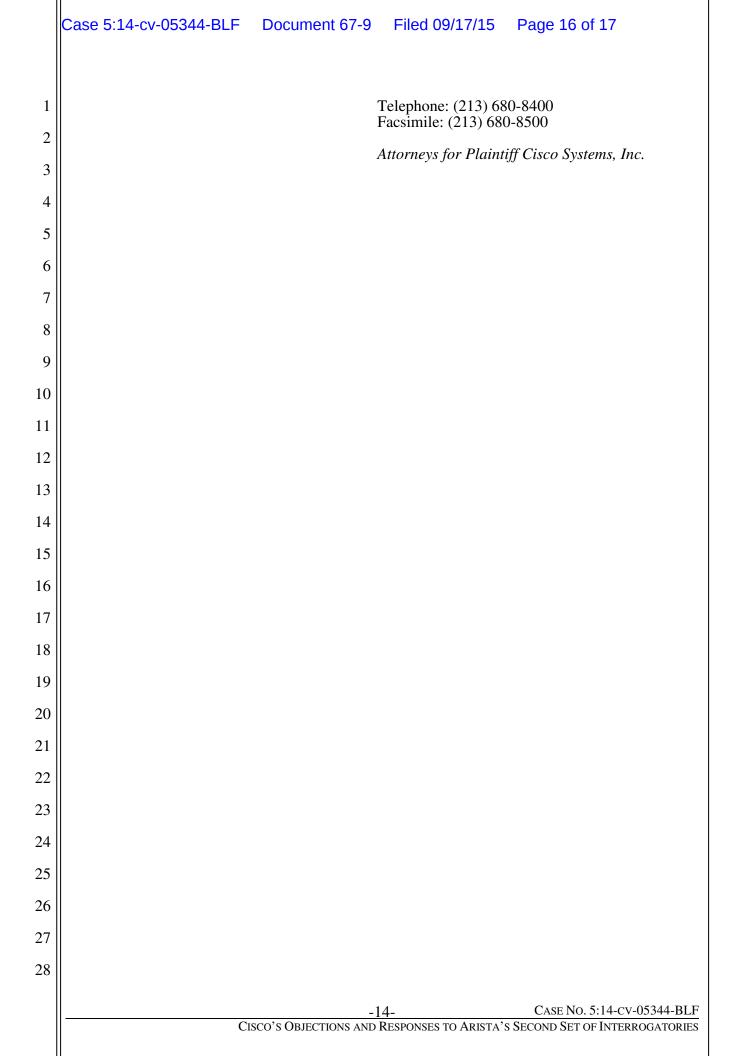4   without limitation in connection with the common interest doctrine.

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DATED: August 27, 2015

Respectfully submitted,

/s/ Sean S. Pak

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PROOF OF SERVICE

2   I hereby certify that, at the date entered below and per the agreement of the parties, I

3 caused a true and correct copy of the foregoing to be served via email to the email addresses

4 below:

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18

19   I declare under penalty of perjury that the foregoing is true and correct. Executed on

20 August 27, 2015, at Berkeley, California.

21   /s/ Matthew D. Cannon
                                        Matthew D. Cannon
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-15-   CASE NO. 5:14-CV-05344-BLF
CISCO'S OBJECTIONS AND RESPONSES TO ARISTA'S SECOND SET OF INTERROGATORIES